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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,989	03/23/2004	Deepak P. Ahya	CE11847JSW	2296

24273 7590 08/30/2006
MOTOROLA, INC
INTELLECTUAL PROPERTY SECTION
LAW DEPT
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FT LAUDERDAL, FL 33322

EXAMINER

HUYNH, NAM TRUNG

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/806,989	AHYA ET AL.	
	Examiner	Art Unit	
	Nam Huynh	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 6/1/2006. Of the original claims 1-23, claims 1, 10-11, and 17 have been amended.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Anastasakos et al. (US 2004/0192384).

A. Regarding claims 1-2, 10, and 17-19, Anastasakos et al. discloses a method and apparatus for selective distributed speech recognition (title). In the scope of the invention, a wireless device receives a speech input and provides the speech input to either the embedded speech recognition engine, the WLAN speech recognition engine (local engine), or the network speech recognition engine (network-based engine) in response to the environment information and the preference information (page 2, paragraph 20). A dialog manager within the wireless device gathers environment and preference information in order to determine which engine to utilize. Both types of information may include quality of service information that may be directed to the level

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of quality that the engines may provide to the wireless device such as bandwidth availability or other factors for the interpretation and determination of optimizing distributed speech recognition (pages 3-4, paragraphs 33-35).

B. Regarding claims 3, 13, and 20, Anastasakos et al. shows a cellular network (figure 7, item 174). It is inherent and well known in the art that a cellular network comprises a base station.

C. Regarding claims 4, 14, and 21, Anastasakos et al. discloses that the preference information may comprise a quality of service preference may include a reliability requirement (threshold) that that the user or the wireless device prefers with respect to communication with or speech recognition from the cellular network or the WLAN (pages 3-4, paragraph 33).

D. Regarding claim 5, 15, and 22, Anastasakos et al. discloses a pricing preference (cost factor) in determining the optimal engine (page 5, paragraph 39).

E. Regarding claims 6-8, Anastasakos et al. that it is recognizable to one of ordinary skill in the art that preference information may include further preferences designated by the wireless device for the interpretation and determination of optimizing distributed speech recognition and the provided list is for illustration purposes only and not meant to limit the scope of the invention (page 4, paragraph 34). Therefore it is inherent that latency, background noise level, and number of unsuccessful attempts may be included as preference or environment information.

F. Regarding claims 9, 16, and 23, Anastasakos et al. discloses a language preference (pages 3-4, paragraph 33).

G. Regarding claim 11, the limitations are rejected as applied to claim 1, Furthermore, Anastasakos et al. shows in figure 3, a comm. Server (item 180) connected to the network speech recognition engine (item 11) via a communication path (item 184).

H. Regarding claim 12, Anastasakos et al. discloses an embodiment where a user is capable of selecting which engine he/she wants to utilize (page 4, paragraph 37-38).

Response to Arguments

3. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH
8/22/06


GEORGE ENG
SUPERVISORY PATENT EXAMINER